

Congress of the United States
Washington, DC 20515

March 30, 2020

Andrew Wheeler
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Susan Parker Bodine
Assistant Administrator for Enforcement
and Compliance Assurance
Environmental Protection Agency
1200 Pennsylvania Ave NW
Washington, DC 20460

Dear Administrator Wheeler and Assistant Administrator Bodine,

We write to you today to express serious concern regarding the Environmental Protection Agency's (EPA) March 26, 2020 memorandum announcing that the agency will cease all enforcement actions during the coronavirus pandemic.¹ All Americans count on these environmental protections to enjoy public spaces and ensure that their water, food, and air are clean. This reckless action puts all Americans' health at risk and creates a dangerous precedent for future health crises and other national emergencies. The EPA must take its responsibility to protect the health and welfare of our communities seriously by continuing necessary enforcement to prevent violations of our critical environmental laws.

Government agencies should take the necessary precautions to protect their workers during the pandemic, as should those organizations who work with agencies to support their compliance efforts. We understand that employing safe work practices such as practicing social distancing and wearing personal protective equipment when appropriate is critical to protect workers' health;² yet this memorandum absolves polluters of all responsibility during a crisis in which access to clean air and water are absolutely essential. Your memorandum demonstrates a failure to uphold EPA's mission to "protect human health and the environment" by completely abdicating your responsibilities to the American people. Our health is linked to the integrity of our environment, so the EPA cannot take actions that will undermine existing efforts to protect public health during this pandemic. Relinquishing responsibility to hold companies accountable for their harm to our shared air and water in difficult times sends a message that their social license to operate does not rely upon their commitment to good behavior, but whether they can convince government officials that the burden of ensuring the safety of American lives is subjectively "too hard."

Research shows that infectious diseases are highly linked to climate and environmental conditions.³ A recent scientific study shows that there is already evidence of correlation between air temperature and quality and SARS-CoV-2 mortality,⁴ and it is likely that the spread of zoonotic viruses will only increase as climate change worsens.^{5,6} We write to express grave concern that relaxing oversight of polluting industries could further increase the harm posed by unchecked climate change and degrade the safety of the air and water in our communities. This enforcement failure could in turn increase the risk of human

¹ <https://www.epa.gov/sites/production/files/2020-03/documents/oecamemooncovid19implications.pdf>

² <https://www.osha.gov/SLTC/covid-19/>

³ <https://www.who.int/globalchange/climate/summary/en/index5.html>

⁴ <https://www.medrxiv.org/content/10.1101/2020.03.15.20036426v1.full.pdf>

⁵ <https://earth.stanford.edu/news/nipah-little-known-virus-could-become-next-global-pandemic#gs.lceznv>

⁶ <https://www.healio.com/infectious-disease/emerging-diseases/news/online/%7B9fb0b2fb-218a-41bf-85b2-58a74d5b95e6%7D/left-unchecked-global-warming-may-shape-future-epidemics>

harm, create new environmental crises, and most critically exacerbate the risk for future infectious diseases.

We ask you to:

1. Remove this temporary policy immediately;
2. Describe how the EPA is taking increased precautions and applying public health recommendations from the Center for Disease Control, to assist employees of the EPA and the companies it oversees; and
3. Issue a new memorandum describing how the EPA characterizes “reasonable measures” for facilities to resume compliance.

Thank you for your attention to this important issue. We look forward to your response by April 1, 2020.

Best,

KATIE PORTER
Member of Congress

BILL FOSTER
Member of Congress

NYDIA M. VELÁZQUEZ
Member of Congress

GRACE F. NAPOLITANO
Member of Congress

DONNA E. SHALALA
Member of Congress

MIKE DOYLE
Member of Congress

JIM COOPER
Member of Congress

JAMIE RASKIN
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